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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 JULIAN RODRIGUEZ,

12 Plaintiff,

13 v.

14 R. ENLERS,

15 Defendant.  
16

No. 2:20-cv-2399-JAM-EFB P

ORDER

17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42  
18 U.S.C. § 1983. He has filed a motion to compel defendant to produce to him two items of  
19 videotape evidence and a motion for an extension of time to supplement his opposition to  
20 defendant's motion for summary judgment. ECF Nos. 36, 37.

21 Defendant filed a motion for summary judgment on grounds of failure to exhaust which is  
22 currently pending, ECF No. 28, and the court has granted a stay of all discovery that is not related  
23 to exhaustion until that motion is resolved. ECF No. 30. The evidence plaintiff seeks in his  
24 motion to compel is not related to exhaustion and, accordingly, the motion is denied. If the case  
25 proceeds beyond the pending summary judgment motion, plaintiff may then seek the videotape  
26 evidence through the ordinary discovery processes provided for in the Federal Rule of Civil  
27 Procedure, including, if necessary, a motion to compel the production of the evidence.


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1 On September 7, 2021, the court granted plaintiff an opportunity to supplement his  
2 opposition to the motion for summary judgment. ECF No. 35. Plaintiff was given 30 days to do  
3 so. Plaintiff now seeks an additional 30 days, claiming that unspecified acts of retaliation by  
4 unidentified correctional officers at CSP-Sacramento and an out-of-prison medical appointment  
5 have hindered his ability to prepare the supplement. ECF No. 37. In light of plaintiff's  
6 incarcerated status, the court will grant the extension of time. Plaintiff is cautioned, however, that  
7 no further extensions will be granted absent a credible demonstration of truly extraordinary  
8 circumstances.

9 Accordingly, it is hereby ORDERED that:

- 10 1. Plaintiff's September 16, 2021 motion to compel production of certain videotape  
11 evidence (ECF No. 36) is DENIED; and
- 12 2. Plaintiff's October 6, 2021 motion for an extension of time (ECF No. 37) is  
13 GRANTED, and plaintiff shall file his supplement to his opposition to defendant's  
14 motion for summary judgment within 30 days from the date of service of this order.  
15 Defendant may, within 14 days of the filing of the supplement, file a reply brief. If  
16 plaintiff fails to file a supplement within the time provided, defendants shall have 14  
17 days from the expiration of the 30-day window to file a reply to the existing  
18 opposition brief.

19 Dated: October 14, 2021.

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21 EDMUND F. BRENNAN  
22 UNITED STATES MAGISTRATE JUDGE  
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